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355 WEST OLIVE AVENUE, SUITE 101
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Attorney for Marry C. Hugdahl

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANNUITY & LIFE REASSURANCE)	CASE NO.: C 07 5502
AMERICA INC. (formerly known as)	
CAPITOL BANKERS LIFE INSURANCE)	
COMPANY).)	CASE MANAGEMENT
)	CONFERENCE STATEMENT
Plaintiff,)	DATE: 02/19/2008
vs.)	TIME:2.00PM
)	DEPT.5, 4 TH FLOOR
JON C. HUGDAHL, an individual and)	
TRUSTEE of the JON S. HUGDAHL)	
FAMILY TRUST, dated 12/19/94;)	
PAUL A. HUGDAHL, an individual; and)	
MARRY C. HUGDAHL an individual,)	
)	
Defendants.)	

STATEMENT OF FACTS

The insured JON C. HUGDAHL is the trustee of the JON S. HUGDAHL FAMILY TRUST, dated 12/19/94. The insured started the insurance policy in December 1982, and continued to pay the premiums till his death. The yearly premium for the year 2007 was

1 \$612.75 as per the information from the insurance company personnel. Mr. Hugdahl made
2 the last payment of \$103.58 on November 27, 2006.

3 He was married to MARRY HUGDAHL on June 1996 and he passed away on June
4 2007. The marital duration was for 11 years.

5 The trust was named as the beneficiary of the insurance proceeds.
6
7 After the marriage to Marry Hugdahl, the parties prepared a new Trust, naming Mr. and
8 Mrs. Hugdahl as the trustees, but due to illness that Trust was not executed.

9 **LEGAL ISSUES TO BE RESOLVED**

10 1. Marry Hugdahl kept the items in the storage for the benefit of the sons. The
11 sons have to take possession of the items or the items must be disposed.

12 2. The last illness and funeral expenses of the insured must be paid.

13 3. The balance of the insurance proceeds must be divided between the sons and the
14 widow of the insured.
15

16 Marry Hugdahl had informed the sons about the items in the storage numerous times
17 and she had been incurring storage rent. The monthly rent is \$140.00.

18 According to the terms of the Trust, the last illness and funeral expenses of the insured
19 must be paid from the insurance proceeds.
20

21 Marry Hugdahl tried her best to resolve all the issues. She encountered problems even
22 from the insurance company to get all the necessary documents. The first letter was sent to
23 the insurance company on October 30, 2007 to get some basic information about the
24 policy. The copy of the letter is attached herewith as **Exhibit A**
25

1. **STORAGE ISSUE:**

Marry Hugdahl tried to resolve the issue about the storage, but did not get any reply from the opposing side yet. Copy of the letter dated December 4, 2007, is attached herewith as **Exhibit B**. No response was received from the opposing side on that issue. Marry Hugdahl incurred **\$560.00** for the 4 months from November 2007 till February 2008.

2. **EXPENSES FOR THE LAST ILLNESS AND FUNERAL:**

Copies of all the documents related to the expenses were mailed to the opposing side on December 7, 2007. The copy of the cover letter is attached herewith as **Exhibit C**.

The copies related to the expenses can be provided to court also if needed.

No response was received from the opposing side on that issue. The total amount for that expenses is **\$12,165.40**.

3. **DIVISION OF THE BALANCE OF THE PROCEEDS:**

The insurance was commenced on December 1982 and became payable in June 2007, with the duration of 24.5 years. The marital time is 11 years.

So the community property interest is 11/24.5 of the proceeds.

In conformance with the court rules the proposal of the division of the proceeds was made by Marry Hugdahl to the sons.

Copy of the letter dated January 25, 2008, to attorney David Samuelson is attached herewith as **Exhibit D**, and Copy of the letter dated January 25, 2008, to attorney Chris Ferry is attached herewith as **Exhibit E**.

PRAYER TO THE COURT

1. Marry Hugdahl incurred \$560.00 for the storage till end of February 2008. It is hereby requested for the court order for the payment of **\$560.00** and to dispose the items in the storage by the end of February 2008.

2. Marry Hugdahl incurred the amount of \$12,165.40 for the last illness. It is hereby requested for the payment of **\$12,165.40** from the insurance proceeds.

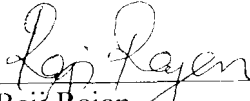
3. The balance of the amount is \$101370.00- 12725.00(12165 +560):\$88645.00, must be divided between the parties. The community amount payable to Marry Hugdahl:

\$88645x 11
24.5 : **\$39,800.00**

4. It is hereby requested for the court order that the total payment of **\$52,525.00** (**\$560.00+12165.00+\$39800.00**) shall be paid from the proceeds to Marry Hugdahl

5. What ever the court deems proper as to the attorney fees due to non cooperation from the opposing side.

Dated: February 15, 2008


Raji Rajan
Attorney for Marry Hugdahl

VERIFICATION

I am the defendant in this matter. I have read the foregoing Case Management Conference Statement and know the contents thereof. It is true to the best of my knowledge, and on the basis of records and factual information. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

February 15, 2008, SUNNYVALE, CA 94086.


MARRY C. HUGDAHL

RAJI RAJAN
ATTORNEY AT LAW
355 WEST OLIVE AVENUE, SUITE 101
SUNNYVALE, CA 94086

Telephone: 408-730-9492

Fax: 408-739-9687

Faxing total of one page including this page.
October 30, 2007

ANNUITY & LIFE RE
P.O. BOX 1600, JACKSONVILLE, IL 62651

Your phone: 800-825-0030
Your fax: 803-333-7842

Ref: Insured Jon Hugdahl
Policy Number : 1016113
Correspondence Number: 07910719

Dear Sir/Madam:

This office represents Mary Hugdahl, the wife of the insured Jon Hugdahl. I got a copy of your letter dated August 28, 2007. It seems that an agreement has to be reached between the parties to resolve the claim on the insurance proceeds. Ms. Hugdahl needs some relevant information from you about the policy, to understand her claim on the proceeds.

Your cooperation is greatly appreciated to provide the following data, which will expedite the process.

1. The nature of the insurance, was it a Term insurance or Whole Life Insurance.?
2. Does the insured make any monthly payments to get the full benefits?
3. How much is the regular monthly premium ?
4. The total number of the monthly premiums, made by the insured?
5. The total number of monthly payments if any, made after June 22, 1996..
6. The total amount of the premium payments made by the insured after June 22, 1996.
7. The date of last payment made on the policy to vest the full insurance amount.
8. What is the full insurance amount payable to the beneficiary?

If you could provide copies of the relevant data, it would be helpful.

Sincerely,

Raji Rajan

Copy: Ms. Hugdahl

Exhibit A

COPY

**RAJI RAJAN
ATTORNEY AT LAW
355 WEST OLIVE AVENUE, SUITE 101
SUNNYVALE, CA 94086**

Telephone: 408-730-9492

Fax: 408-739-9687

Faxing total of one page

December 4, 2007

David L. Samuelson, Esq.
897 Independence Avenue, Suite 2D
Mountain View, CA 94043

Your phone: 408-294-1111
Your fax: 650-649-2382

Ref: Insured Jon Hugdahl
Policy Number: 1016113
Correspondence Number: 07910719

Dear Mr. Samuelson:

According to Marry Hugdhal, she had prior discussion with the step son about the storage, that the decision must be made by the end of November 2007. You also saw the items in the storage in the early part of November 2007. No response was received yet.

This is to inform you that the step sons will be responsible for the monthly rent, on the storage from December 1, 2007. The current monthly amount is \$140.00.

You may contact for any inquiries.

Sincerely,


Raji Rajan

Copy: client

✓

Exhibit B

**RAJI RAJAN
ATTORNEY AT LAW
355 WEST OLIVE AVENUE, SUITE 101
SUNNYVALE, CA 94086**

Telephone: 408-730-9492

Fax: 408-739-9687

Faxing total of one page

December 7, 2007

David L. Samuelson, Esq.
897 Independence Avenue, Suite 2D
Mountain View, CA 94043

Your phone: 408-294-1111

Your fax: 650-649-2382

Ref. Insured Jon Hugdahl
Policy Number : 1016113
Correspondence Number: 07910719

Dear Mr. Samuelson:

Enclosed please find the data for the expenses related to the funeral and last illness.

You may contact for any inquiries.

Sincerely,


Raji Rajan

Copy: client

Exhibit C

**RAJI RAJAN
ATTORNEY AT LAW
355 WEST OLIVE AVENUE, SUITE 101
SUNNYVALE, CA 94086**

Telephone: 408-730-9492

Fax: 408-739-9687

January 25, 2008

Faxing total of 3 pages including this page

David L. Samuelson, Esq.
897 Independence Avenue, Suite 2D
Mountain View, CA 94043

Your phone: 408-294-1111
Your fax: 650-649-2382

Ref: Insured Jon Hugdahl, Policy Number : 1016113, Correspondence Number: 07910719

Dear Mr. Samuelson:

This is to confirm that I got a telephone response from you, to my telephone call to you about the items in the storage. You informed that you would provide a written letter about the items, and the items would be picked up on the January 12th week end, but we never got any letter from you and the items were not picked up as of today. We had already informed you that the storage cost is 140.00/month, and it is the responsibility of your clients to pay from December 2007.

We had already provided you the expenses and the documentation for the funeral and last illness of the decedent, which has to be paid from the insurance proceeds.

The insurance policy was commenced on December 1982 and it became payable on the date of death of the insured in June 2007. The total time of the policy is for 24 and ½ years. The insured married Marry Hugdahl on June 1996, and the community time is for 11 years. The proceeds will be divided according to the separate and community interests of the insured.

- | | | |
|----|---|-------------|
| a. | The funeral and last illness expenses: | \$12,165.40 |
| b. | The storage costs for 3 months: \$140 x3: | \$ 420.00 |

\$12,585.40

The total insurance proceeds: \$101,370.00.

The insurance proceeds to be divided after deducting funeral expenses: \$101,370.00-
\$12,585.00: **\$88,785.00**

Exhibit D

c. The community share of the proceeds: $\$88,785.00 \times 11 \text{ years}$
: $\$39,862.65$
24.5 yrs.

So the total amount to Marry Hugdahl: $\$12585.00 + \$39863.00 = \$52,448.00$

My client wants to complete the entire case without delay. Please respond at your earliest convenience for any questions on the calculation. A copy of the letter to attorney Chris Ferry is attached herewith.

Sincerely,

Raji Rajan

Copy:client

RAJI RAJAN
ATTORNEY AT LAW
355 WEST OLIVE AVENUE, SUITE 101
SUNNYVALE, CA 94086

Telephone: 408-730-9492

Fax: 408-739-9687

January 25, 2008. Faxing total of one page

Chris Ferry, Esq.,
Kelly, Herlihy and Klein
44 Montgomery Street, Suite 2500
San Francisco, CA 94101-4602

Your Phone.: 415-951-0535

Your Fax: 415-391-7808

Ref: Insured Jon Hugdahl, Policy Number : 1016113, Correspondence Number: 07910719

Dear Mr. Ferry:

I had provided to attorney Samuelson, a detailed letter with the calculation of the division of the proceeds. The funeral and last illness expenses of the decedent has to be paid first, along with the storage fees of the items for the sons of the decedent. The balance of the proceeds is divided considering the 11 years of community time and about 14 years of separate period of the decedent.

Accordingly the amount of **\$52,448.00** has to be given to Ms Marry Hugdahl and the balance can be given to the sons.

My client wants to resolve the issue as quickly as possible. Your cooperation is greatly appreciated to complete the entire case. If it is agreeable, please send us the stipulation to disburse the amount

Sincerely,


Raji Rajan

Copy: client, attorney Samuelson

Exhibit E